



THE CITY OF SAN DIEGO  
**MANAGER'S REPORT**

DATE ISSUED: October 11, 2000 REPORT NO. 00-203

ATTENTION: Honorable Mayor and City Council  
Docket of October 17, 2000

SUBJECT: Gringo's Cantina - Appeal of the Planning Commission's Decision to  
Approve Planned Development Permit/Coastal Development Permit  
40-0270. Council District 2, Process 4

REFERENCE: Planning Commission Agenda of August 17, 2000. Report No. P-00-141

OWNER/  
APPLICANT: Taylor Properties Trust (Vernon E. Taylor, Trustee); Owner  
Brett Miller, LESSEE

**SUMMARY:**

Issues - Should the City Council approve the appeals of the Planning Commission's decision to approve a Planned Development Permit/Coastal Development Permit to allow the remodel of, and construction of a one-story addition to, an existing one-story restaurant, with associated site improvements, on an improved 0.43-acre site?

Manager's Recommendation: DENY the appeals and APPROVE the following actions relative to the subject application:

1. **CERTIFY** Exemption, LDR No. 40-0270; and
2. **APPROVE** Planned Development Permit/Coastal Development Permit 40-0270 subject to conditions of approval in Attachment 5.

Planning Commission Recommendation: On August 17, 2000, the Planning Commission voted 6-0 to approve the project with conditions (see Background section).

Community Planning Group Recommendation: On March 27, 2000, the Pacific Beach Community Planning Committee voted 11-0-0 to recommend approval of the project.

Environmental Impact: This project is exempt from CEQA pursuant to State CEQA Guidelines Section 15301.

Fiscal Impact: A deposit has been collected from the applicant to cover all costs associated with processing the proposed project.

Code Enforcement Impact: None.

Housing Affordability Impact: None.

## BACKGROUND

The subject property is a 0.43-acre, rectangular, legal parcel of land. It is relatively level, and located on the southwest corner of the intersection of Mission Boulevard and Garnet Avenue, within the CV-1-2 zone and the Pacific Beach Community Planning Area. The Pacific Beach Community Plan designates the site for a variety of Visitor Commercial land uses consistent with CV-1-2 zone intensity and development regulations. The surrounding area is currently developed with single and multi-story commercial buildings in a variety of sizes, architectural styles and colors. Mission Boulevard and Garnet Avenue abut the eastern and northern boundaries of the site, respectively, while improved alleys abut the property to the west and south.

The site is located within the City of San Diego Coastal Overlay Zone (Coastal Commission Appeal Jurisdiction Area). On February 17, 2000, Building Permit B200672-00 was issued to allow minimal remodeling of the existing commercial building. However, City staff has concluded that the scope of work at the site subsequently exceeded that which was permitted under the building permit, as well as that which could be exempted from the requirement for a Coastal Development Permit. Consequently, this project is to allow the completion of construction work that has already commenced. The requested Planned Development Permit is to address deviations to current development regulations of the Land Development Code, to allow flexibility in design options and consideration of the previous building configuration and placement.

The project proposes to demolish 984 square feet of an existing one-story restaurant building, and construct a 1,527-square-foot, one-story addition to said structure. Outdoor dining areas comprising 1,049 square feet are proposed adjacent to the north and east building walls of the restaurant. Vehicular access to the project's 28 off-street parking spaces is provided by the paved alley to the west of the site, as well as an existing driveway along Mission Boulevard. Supplemental landscape features, including street trees, parking lot trees, and various other landscape materials are proposed per landscape criteria specified by the Local Coastal Program, the Pacific Beach Community Plan, and Land Development Manual Landscape Standards.

On August 17, 2000, the Planning Commission voted unanimously (6-0) to approve the Gringo's Cantina Project, subject to conditions of approval contained within draft Planned Development/Coastal Development Permit No. 40-0270 (see Attachment 5). In response to concerns expressed in opposition testimony that was provided during the public hearing, the Planning Commission added conditions of approval included as items no. 21 and 22, and reiterated conditions of approval included as items no. 23 and 28 in the aforementioned permit, to further mitigate potential impacts of this project upon adjacent properties. Those conditions include requirements limiting hours of truck deliveries, restricting live entertainment from the outdoor patio area, requiring the applicant to make efforts to eliminate late-night noise impacts upon adjacent properties, requiring adherence to the citywide Noise Ordinance regulations, and requiring a screening enclosure of any rooftop mechanical equipment.

Four appeals of the decision of the Planning Commission were filed between August 25-30 (see Attachment 6).

## DISCUSSION:

The Planning Commission's decision was appealed by Alfred Strohlein, LaRose Hunt, Donna Frye/S.T.O.P. (Surfers Tired of Pollution) and Gloria Olsen, on behalf of the See the Sea Homeowners Association. Ms. Olsen's appeal application was accompanied by the attached petition (see Attachment 6), which contains 44 signatures of homeowners in the residential development located immediately across the alley to the west of the subject property.

The submitted appeals referenced a number of issues, including inappropriate exemption of the project from CEQA, insufficient parking, noise pollution, lack of application of the Community Plan Implementation Overlay Zone, and alcohol sales.

These issues are addressed below:

#### Inappropriate CEQA Exemption:

The State CEQA guidelines includes a list of classes of projects which have been determined to not have a significant effect on the environment, and therefore, are exempt from the provisions of CEQA. An environmental initial study was conducted by City staff to assess this project with respect to noise, traffic, water quality, light and glare, and public health and safety impacts. The determination was made that it is categorically exempt from the provisions of CEQA per Section 15301(e)(1) of State CEQA Guidelines, and is exempt from the requirement for the preparation of environmental documents.

Potential impacts related to noise and lighting will be mitigated by Land Development Code regulations pertaining to noise and outdoor lighting that have been incorporated into the draft permit. The traffic generated by the proposed project was anticipated by the Pacific Beach Community Plan, and will be essentially similar to that generated by the prior use. The proposed parking provision is adequate. Potential water quality impacts are mitigated by the incorporation of a fossil fuel filter in the storm drain catch basin located at the southeast corner of the project's parking lot. The proposed project is a commercial restaurant and as such, will not result in adverse impacts to public health and safety under CEQA.

#### Insufficient Parking:

Per the City Engineer, the proposed provision of 28 off-street parking spaces is consistent with the Land Development Code (LDC). This provision is based upon the applicable LDC requirement of 4.3 spaces per 1000 square feet of gross floor area (inclusive of outdoor dining areas). It is appropriate to utilize the parking standards for Beach Impact Areas of the Parking Impact Overlay Zone that are contained in the LDC, rather than those in the Pacific Beach Community Plan. The LDC is a Local Coastal Program Amendment that was subject to a lengthy public review process. It was approved by the City Council and certified by the California Coastal Commission for use citywide, excepting Planned District areas.

#### Noise Pollution:

The project site is located within an established commercial corridor, and has been improved with a similar commercial development for approximately 40 years. The prior development did not require discretionary approval; consequently, the current project will be subject to conditions of approval which will serve to mitigate noise impacts and which were not applicable to the previous use.

Potential noise impacts will be mitigated by Conditions No. 21-23 and 28 of the draft Permit as recommended by the Planning Commission, which prohibit truck deliveries between the hours of 10:00 p.m. and 7:00 a.m., restrict any live entertainment from the outdoor patio area, and require that the applicant demonstrate a reasonable effort to obviate noise impacts upon adjacent properties, particularly after the hour of 10:00 p.m. Loud, unnecessary or unusual noises that violate the citywide Noise Ordinance shall not be permitted to emanate beyond the property boundaries. All rooftop mechanical equipment is required to be within a completely enclosed architecturally integrated structure.

Community Plan Implementation Overlay Zone (CPIOZ):

Neither the Pacific Beach Community Plan nor Diagram 132-14F in the Land Development Code reflect this site as subject to the CPIOZ.

Alcohol Sales:

The proposed use is permitted by right. No discretionary action relative to the proposed sale of alcoholic beverages is required. The sale of alcohol is a long-standing use on this site.

CONCLUSION

The proposed project is consistent with the land use designations in the Pacific Beach Community Plan, the Local Coastal Program, and the City's General Plan; all of which recommend that the property be developed with commercial uses consistent with development, intensity and design regulations of the CV-1-2 zone designation. The purpose of the Planned Development Permit provisions is realized through the incorporation of outdoor amenities (including two outdoor public plaza areas) and public improvements, which will afford a project consistent with the intent of the CV-1-2 zone to encourage development with a pedestrian orientation, and a project that is more desirable overall. Subject to conditions of approval in the proposed Planned Development Permit and Coastal Development Permit, the project will not adversely affect the existing character of this portion of the Pacific Beach community and Coastal Overlay Zone.

Staff consequently recommends denial of the submitted appeals and approval of the project.

Respectfully submitted,

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Tina P. Christiansen, A.I.A.  
Planning and Development Review Director

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Approved: George I. Loveland  
Assistant City Manager

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Attachments: 1. Location Map  
2. Site Plan  
3. Project Data Sheet  
4. Pacific Beach Community Planning Committee letter dated 5/4/00  
5. Draft Planned Development Permit & Coastal Development Permit,  
Findings & Conditions  
6. Appeal Applications and Petition  
7. Ownership Disclosure Statement  
8. Project Chronology